

AMENDED IN SENATE MAY 28, 2013
AMENDED IN ASSEMBLY MARCH 13, 2013
CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 379

Introduced by Assembly Member Brown

February 14, 2013

An act to amend Section 18551 of the Health and Safety Code, relating to manufactured housing.

LEGISLATIVE COUNSEL'S DIGEST

AB 379, as amended, Brown. Manufactured housing: removal.

Existing law requires the installation of a manufactured home, mobilehome, or commercial modular as a fixture or improvement to real property to comply with specified provisions. Existing law requires an enforcement agency to record with the county recorder of the county where real property is situated, on the same day that the certificate of occupancy for a manufactured home, mobilehome, or commercial modular is issued by the appropriate enforcement agency, that the real property has been installed upon, and a document naming the owner of the real property, describing the real property with certainty, and stating that a manufactured home, mobilehome, or commercial modular has been affixed to the real property by installation on a foundation system, as specified.

This bill would instead require that recordation to occur within 5 business days of the issuance of the certificate of occupancy.

Existing law provides that once installed on a foundation system in compliance with these provisions, a manufactured home, mobilehome, or commercial modular shall be deemed a fixture and a real property

improvement to the real property to which it is affixed and physical removal of the manufactured home, mobilehome, or commercial modular shall thereafter be prohibited without the consent of all persons or entities who, at the time of removal, have title to any estate or interest in the real property to which it is affixed. ~~Existing law also requires the owner, at least 30 days prior to a legal removal of the manufactured home, mobilehome, or commercial modular from the foundation system and transportation away from the real property to which it was formerly affixed, to notify the Department of Housing and Community Development and the county assessor of the intended removal.~~

~~This bill would instead require the manufactured home, mobilehome, or commercial modular owner to notify the department and the county assessor of the intended removal at least 31 days prior to the removal.~~

The bill would also make other technical, nonsubstantive, *and clarifying* changes.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 18551 of the Health and Safety Code is
2 amended to read:
3 18551. The department shall establish regulations for
4 manufactured home, mobilehome, and commercial modular
5 foundation systems that shall be applicable throughout the state.
6 When established, these regulations supersede any ordinance
7 enacted by any city, county, or city and county applicable to
8 manufactured home, mobilehome, and commercial modular
9 foundation systems. The department may approve alternate
10 foundation systems to those provided by regulation if the
11 department is satisfied of equivalent performance. The department
12 shall document approval of alternate systems by its stamp of
13 approval on the plans and specifications for the alternate foundation
14 system. A manufactured home, mobilehome, or commercial
15 modular may be installed on a foundation system as either a fixture
16 or improvement to the real property, in accordance with subdivision
17 (a), or a manufactured home or mobilehome may be installed on
18 a foundation system as a chattel, in accordance with subdivision
19 (b).

1 (a) Notwithstanding any other law, prior to a manufactured
2 home, mobilehome, or commercial modular being deemed a fixture
3 or improvement to the real property, the installation shall comply
4 with all of the following:

5 (1) Prior to installation of a manufactured home, mobilehome,
6 or commercial modular on a foundation system, the manufactured
7 home, mobilehome, or commercial modular owner or a licensed
8 contractor shall obtain a building permit from the appropriate
9 enforcement agency. To obtain a permit, the owner or contractor
10 shall provide the following:

11 (A) Written evidence acceptable to the enforcement agency that
12 the manufactured home, mobilehome, or commercial modular
13 owner owns, holds title to, or is purchasing the real property where
14 the mobilehome is to be installed on a foundation system. A lease
15 held by the manufactured home, mobilehome, or commercial
16 modular owner, that is transferable, for the exclusive use of the
17 real property where the manufactured home, mobilehome, or
18 commercial modular is to be installed, shall be deemed to comply
19 with this paragraph if the lease is for a term of 35 years or more,
20 or if less than 35 years, for a term mutually agreed upon by the
21 lessor and lessee, and the term of the lease is not revocable at the
22 discretion of the lessor except for cause, as described in
23 subdivisions 2 to 5, inclusive, of Section 1161 of the Code of Civil
24 Procedure.

25 (B) Written evidence acceptable to the enforcement agency that
26 the registered owner owns the manufactured home, mobilehome,
27 or commercial modular free of any liens or encumbrances or, in
28 the event that the legal owner is not the registered owner, or liens
29 and encumbrances exist on the manufactured home, mobilehome,
30 or commercial modular, written evidence provided by the legal
31 owner and any lienors or encumbrancers that the legal owner,
32 lienor, or encumbrancer consents to the attachment of the
33 manufactured home, mobilehome, or commercial modular upon
34 the discharge of any personal lien, that may be conditioned upon
35 the satisfaction by the registered owner of the obligation secured
36 by the lien.

37 (C) Plans and specifications required by department regulations
38 or a department-approved alternate for the manufactured home,
39 mobilehome, or commercial modular foundation system.

(D) The manufactured home, mobilehome, or commercial modular manufacturer's installation instructions, or plans and specifications signed by a California-licensed architect or engineer covering the installation of an individual manufactured home, mobilehome, or commercial modular in the absence of the manufactured home, mobilehome, or commercial modular manufacturer's instructions.

(E) Building permit fees established by ordinance or regulation of the appropriate enforcement agency.

(F) A fee payable to the department in the amount of eleven dollars (\$11) for each transportable section of the manufactured home, mobilehome, or commercial modular, that shall be transmitted to the department at the time the certificate of occupancy is issued with a copy of the building permit and any other information concerning the manufactured home, mobilehome, or commercial modular that the department may prescribe on forms provided by the department.

(2) (A) Within five business days of the issuance of the certificate of occupancy for the manufactured home, mobilehome, or commercial modular by the appropriate enforcement agency, the enforcement agency shall record with the county recorder of the county where the real property is situated, that the manufactured home, mobilehome, or commercial modular has been installed upon, ~~and~~ *in* a document naming the owner of the real property, describing the real property with certainty, and stating that a manufactured home, mobilehome, or commercial modular has been affixed to that real property by installation on a foundation system pursuant to this subdivision.

(B) When recorded, the document referred to in subparagraph (A) shall be indexed by the county recorder to the named owner and shall be deemed to give constructive notice as to its contents to all persons thereafter dealing with the real property.

(C) Fees received by the department pursuant to subparagraph (F) of paragraph (1) shall be deposited in the Mobilehome-Manufactured Home Revolving Fund established under subdivision (a) of Section 18016.5.

(3) ~~The department shall adopt certification of title and other indicia of registration shall be surrendered to the department pursuant to regulations adopted by the department~~ providing for the cancellation of registration of a manufactured home,

1 mobilehome, or commercial modular that is permanently attached
2 to the ground on a foundation system pursuant to subdivision (a).
3 ~~The regulations shall provide for the surrender to the department~~
4 ~~of the certificate of title and other indicia of registration.~~ For the
5 purposes of this subdivision, permanent affixation to a foundation
6 system shall be deemed to have occurred on the day a certificate
7 of occupancy is issued to the manufactured home, mobilehome,
8 or commercial modular owner and the document referred to in
9 subparagraph (A) of paragraph (2) is recorded. Cancellation shall
10 be effective as of that date and the department shall enter the
11 cancellation on its records upon receipt of a copy of the certificate
12 of occupancy. This subdivision shall not be construed to affect the
13 application of existing laws, or the department's regulations or
14 procedures with regard to the cancellation of registration, except
15 as to the requirement therefor and the effective date thereof.

16 (4) Once installed on a foundation system in compliance with
17 this subdivision, a manufactured home, mobilehome, or commercial
18 modular shall be deemed a fixture and a real property improvement
19 to the real property to which it is affixed. Physical removal of the
20 manufactured home, mobilehome, or commercial modular shall
21 thereafter be prohibited without the consent of all persons or
22 entities who, at the time of removal, have title to any estate or
23 interest in the real property to which the manufactured home,
24 mobilehome, or commercial modular is affixed.

25 (5) For the purposes of this subdivision:

26 (A) "Physical removal" shall include, without limitation, the
27 unattaching of the manufactured home, mobilehome, or commercial
28 modular from the foundation system, except for temporary
29 purposes of repair or improvement thereto.

30 (B) Consent to removal shall not be required from the owners
31 of rights-of-way or easements or the owners of subsurface rights
32 or interests in or to minerals, including, but not limited to, oil, gas,
33 or other hydrocarbon substances.

34 (6) At least—~~31~~ 30 days prior to a legal removal of the
35 manufactured home, mobilehome, or commercial modular from
36 the foundation system and transportation away from the real
37 property to which it was formerly affixed, the manufactured home,
38 mobilehome, or commercial modular owner shall notify the
39 department and the county assessor of the intended removal of the
40 manufactured home, mobilehome, or commercial modular. The

1 department shall require written evidence that the necessary
2 consents have been obtained pursuant to this section and shall
3 require application for either a transportation permit or
4 manufactured home, mobilehome, or commercial modular
5 registration, as the department may decide is appropriate to the
6 circumstances. Immediately upon removal, as defined in this
7 section, the manufactured home, mobilehome, or commercial
8 modular shall be deemed to have become personal property and
9 subject to all laws governing the same as applicable to a
10 manufactured home, mobilehome, or commercial modular.

11 (b) The installation of a manufactured home or a mobilehome
12 on a foundation system as chattel shall be in accordance with
13 Section 18613 and shall be deemed to meet or exceed the
14 requirements of Section 18613.4. This subdivision shall not be
15 construed to affect the application of sales and use or property
16 taxes. No provisions of this subdivision are intended, nor shall
17 they be construed, to affect the ownership interest of any owner
18 of a manufactured home or mobilehome.

19 (c) Once installed on a foundation system, a manufactured home,
20 mobilehome, or commercial modular shall be subject to
21 state-enforced health and safety standards for manufactured homes,
22 mobilehomes, or commercial modulars enforced pursuant to
23 Section 18020.

24 (d) No local agency shall require that any manufactured home,
25 mobilehome, or commercial modular currently on private property
26 be placed on a foundation system.

27 (e) No local agency shall require that any manufactured home
28 or mobilehome located in a mobilehome park be placed on a
29 foundation system.

30 (f) No local agency shall require, as a condition for the approval
31 of the conversion of a rental mobilehome park to a resident-owned
32 park, including, but not limited to, a subdivision, cooperative, or
33 condominium for mobilehomes, that any manufactured home or
34 mobilehome located there be placed on a foundation system. This
35 subdivision shall only apply to the conversion of a rental
36 mobilehome park that has been operated as a rental mobilehome
37 park for a minimum period of five years.